

**Town Council Minutes  
Morehead City, North Carolina**

**Tuesday, July 8, 2014**

The Honorable Council of the Town of Morehead City met in Regular Session on Tuesday, July 8, 2014, at 5:30 p.m., in the Municipal Chambers located at 202 South 8<sup>th</sup> Street, Morehead City, North Carolina. Those in attendance were:

MAYOR: Gerald A. Jones, Jr.

MAYOR PRO-TEM: George W. Ballou

COUNCIL: William F. Taylor  
Demus L. Thompson  
Harvey N. Walker, Jr.  
Diane C. Warrender

CITY MANAGER: David S. Whitlow

CITY CLERK: Jeanne M. Giblin

CITY ATTORNEY'S OFFICE: Nelson W. Taylor, III; Derek Taylor; Mike Thomas

OTHERS: Buddy Bengel; Bernette Morris; David McCabe; Tom

Kies; David McCabe; Ken Wood; Jackie Starkey, Reporter, THE CARTERET NEWS TIMES; Holly Fletcher; Sidney Horton

**I. Regular Meeting Call to Order, Invocation and Pledge of Allegiance**

Mayor Jones called the meeting to order at 5:30 p.m. Councilman Thompson gave the invocation and all joined in The Pledge of Allegiance.

**II. Adoption of the CONSENT AGENDA**

**II.A. Approval of Minutes: Monday, June 2, 2014 – Special Meeting  
Tuesday, June 10, 2014 – Regular Meeting  
Tuesday, June 24, 2014 – Special Meeting**

*Approved the minutes of Monday, June 2, 2014, Special Meeting; Tuesday, June 10, 2014, Regular Meeting; and Tuesday, June 24, 2014, Special Meeting and dispensed with the reading.*

**II.B. Approve the Requests for Release of Overpayment of Ad Valorem Taxes for June 2014, in the amount of \$138.92; and Accept the Tax Collector and Finance Director Reports for June 2014**

*Approved the requests for release of overpayment of ad valorem taxes for June 2014, in the amount of \$138.92; and Accepted the Tax Collector and Finance Director Reports for June 2014. [The Financial Reports are attached to and made a part of these minutes incorporated herein by reference.]*

**II.C. Receipt of Tax Collector's Settlement for FY2013/2014; Distribution of Tax Records/Receipts; Tax Collections for FY2013/2014; Outstanding Taxes FY2013/2014; Real Estate Delinquent Report for Tax Year 2013; Barred Tax List Effective September 1, 2014; and Insolvents List**

The Tax Collector's Settlement for FY2013/2014 taxes as of June 30, 2014, and the Insolvent Report were presented. The total disposition of tax records and receipts for the 2013 tax year was \$5,883,684.91 with the percentage of collection at 99.06 percent as of June 30, 2013. The total tax collections including discounts for 2014 were \$5,810,430.15. Morehead City's outstanding taxes as of June 30, 2014, were \$89,087.72 and the real estate delinquent report for tax year 2013 was \$52,285.98. The barred tax list effective September 1, 2014, was \$21.93. The insolvents list, which is a list of taxpayers who listed no real estate taxes and who have not paid their personal taxes by the time the report was filed was in the amount of \$2,700.94. Collection efforts on these accounts will continue.

*Accepted receipt of Tax Collector's Settlement for FY2013/2014; Distribution of Tax Records/Receipts; Tax Collections for Fy2013/2014; Outstanding Taxes Fy2013/2014; Real Estate Delinquent Report for Tax Year 2013; Barred Tax List effective September 1, 2014, and Insolvents List. [The Financial Reports are attached to and made a part of these minutes incorporated herein by reference.]*

## **II.D. Authorize Collection of FY2014/2015 Ad Valorem Taxes**

As per G.S. 205.321, the Council must adopt and enter into the minutes [after July 1<sup>st</sup> and prior to September 1<sup>st</sup>] an order charging the Tax Collector with the duty of collecting the FY2014/2015 Ad Valorem Tax. By the adoption of this directive, the governing body is hereby authorizing the Tax Collector to comply. The tax bills are projected to be mailed in late July.

*Authorized the Collection of FY2014/2015 Ad Valorem Taxes.* [The Authorization to Collect FY2014/2015 Ad Valorem Taxes is attached to and made a part of these minutes incorporated herein by reference.]

## **II.E. Adopt Ordinance 2014-28 Amending the Code of Ordinances of the Town of Morehead City, Chapter 10, Offenses, Miscellaneous, Section I, *In General*, Item 10-7, Weapons, use sale**

Federal law regarding the sale of air rifles supersedes our local ordinance prohibiting the sale of these items within the corporate limits of Morehead City. The proposed ordinance has been reviewed and recommended for adoption by the Public Safety Committee of the Council. The prohibition on the sale of air rifles will be removed from the ordinance, however, the discharge of air rifles and other weapons within the township will remain.

*Adopted Ordinance 2014-28 Amending the Code of Ordinances of the Town of Morehead City, Chapter 10, Offenses, Miscellaneous, Section I, *In General*, Item 10-7, Weapons, use sale.* [Ordinance 2014-28 is attached to Ordinance Book #7 in the vault.]

***Councilman Taylor MOVED, seconded by Councilman Walker, and carried unanimously, to adopt the CONSENT AGENDA in one [1] motion.***

## **III. Public Hearing: CANCELLED -- WITHDRAWN BY APPLICANT Request submitted by Oliver Friesen Cheek, PLLC, on behalf of Harborview Enterprises, LLC, to rezone Tax Parcel #638619608800000 located at 812 Shepard Street from OP (Office and Professional) to DB (Downtown Business) District**

This matter was tabled at the June 10, 2014 Council Meeting. The application has since been withdrawn by the applicants.

## **IV. Citizen Requests/Comments:**

Buddy Bengel, Vice President of the Morehead Marlins, 1921 Oglesby Road, Morehead City, reported that this coming Sunday night was the kick-off of the All Star Games at O'Neal Field. He reminded the Council of their invitation to the Monday luncheon at 11:00 a.m. at Civic Center and the need to RSVP. He spoke about the issue of placing signage or banners on the interior concourse of Big Rock Stadium [behind the bleachers] and the necessity of doing an addendum to the current contract allowing this. The League has sponsors that want to advertise especially during the All Star Games.

Councilman Walker was of the opinion that the Marlin contract was complete and that the matter of placement of signs in the ballpark should have been handled a long time ago. He questioned if it were a safety issue.

City Manager Whitlow explained that the current license/lease agreement with the Morehead Marlins states that signs can be placed exclusively on the inside of the outfield wall. The agreement did not further address the placement of signage.

City Attorney Derek Taylor further explained that the current lease agreement did not have a provision for additional signage in the park and it was not allowed under the current license agreement. The agreement does not say the Marlins cannot place signage on the concourse, it is just not addressed in the agreement.

Mr. Bengel stated that the team has been being placing signs there for the last four [4] years.

City Manager Whitlow advised that the Council can amend the lease agreement and that Councilman Ballou and Councilman Taylor, both members of the Public Works Committee of the Council, asked that this request come before the Public Works Committee before it went to the entire Council.

Mr. Bengel stated that he came before the entire Council at this time right before the League All Star games because of the the urgency of the matter.

Councilman Thompson was of the opinion that the City had to have some control over the issue and the events at the ballfield, but he thought the Council could take care of this specific issue at this meeting. He offered that the team be allowed to place the signs/banners at this time and then have the Marlin management come back before the Council in August to further address the matter.

Councilman Taylor commented that once again the City is at the 11<sup>th</sup> hour with half the baseball season already gone by. He questioned why this matter was not handled at the beginning of the season?

Mr. Bengel replied he was notified in May by the Park Director that the Marlins could not place the signs on the concourse, however, it was an omission on his part that he did not pursue the matter at that time.

City Manager Whitlow explained that the license agreement says what can be done, not what cannot be done and that the Marlins have the exclusive right to place signs on the inside of the outside wall and that Mr. Bengel was notified about this.

Councilwoman Warrender questioned that was not a precedent set when the placement of the signs was allowed for the four [4] prior years. The Chamber placed their Military Fish Fry signs behind the bleachers and have done so for the past two [2] years.

Councilman Ballou commented that items such as this are brought before the Public Works Committee so the issues can be discussed. The Committee can then make a recommendation back to the Council. He continued that he wished that Mr. Bengel had brought this matter up in May.

Mayor Jones commented that until the lease is amended or given special consideration for the event, the signage has to stay the way it is.

Upon a question as to the dimensions of the banners, Mr. Bengel replied that most are a 4' x 6' mesh material sign of local businesses which support the Marlins. The signs usually stay up the whole season and there are approximately 10 to 20 signs.

***Councilman Thompson MOVED, seconded by Council Walker, and carried unanimously, to amend the license agreement for the balance of this Morehead Marlins season as it relates to the placement of signage on the back of the bleachers and that this matter as well as others relating to the ballfield will come back before the Public Works Committee and Council for further review. Any concerns of the Marlins should be addressed in writing to the Public Works Committee and the City Council.***

**V.A. City Manager's Report: Consideration of Rescheduling Tuesday, October 14, 2014 Council Meeting because of a Conflict with the North Carolina League of Municipalities Annual Conference on October 12<sup>th</sup> through 14<sup>th</sup>**

City Manager Whitlow reported that the Annual North Carolina League of Municipalities Conference is being held October 12 through 14, 2014, in Greensboro. Several of the Councilmembers usually attend the conference which this year conflicts with the scheduled Tuesday, October 14, 2014, Council Meeting. The Council may wish to reschedule the Council Meeting to another date.

**The Council concurred to reschedule the Tuesday, October 14, 2014, Council Meeting to Monday, October 20, 2014, at 5:30 p.m., in the Council Chambers located at 202 South 8<sup>th</sup> Street.**

**V.B. Reject all Bids for Phase II of the Jib Project and Authorize the City Staff to Make the Necessary Changes to Rebid the Project**

City Manager Whitlow explained that this item was to be handled during the CLOSED SESSION portion of the meeting, however, it was ascertained that it could be handled in open session. He explained that the Council needed to reject the bids on Phase II of the Jib Project because all the bids came in over budget and the City cannot pare the price down to the available funds. It was his recommendation to reject all the bids and to authorize the staff to make the necessary changes to rebid the project.

***Councilman Ballou MOVED, seconded by Councilman Taylor, and carried unanimously, to reject all three [3] received bids on Phase II of the Jib Project and to authorize the City staff to make the necessary changes to rebid the project.***

Upon a question by Councilwoman Warrender if rebidding the project will maintain the schedule for completion by the June 2015 Marlin Tournament the answer was affirmative.

Councilman Ballou commented that the rebid would focus on the deck and handrail system and in the future other items could be negotiated with the contractor.

Mayor Jones explained that the lowest bid was \$900,000. The deck could be built for approximately \$300,000 with the City having funding left for some of the other items of the project.

Councilman Ballou commented on the need to talk to Maggie Chalk, the architect for this project, about this change.

The Council concurred that the Big Rock and the Downtown Morehead City Revitalization Association should also be made aware of this change.

**VI. Council Requests/Comments**

Councilwoman Warrender was very grateful that Hurricane Arthur slipped by Morehead City with minimal damage. She also congratulated Buddy Bengel on the article that was in Our State Magazine about the Marlins in Morehead City.

Councilman Taylor requested that a date be placed on the calendar to complete the assessment of the Police Department staffing levels.

Mayor Jones questioned Ken Wood if the amplifier and earphones were working this evening.

Mr. Wood replied that a number of people consistently do not use the microphones and then he has difficulty in hearing the Council proceedings.

Mayor Jones reiterated the need for upgrading the audio and visual needs in the Council Chambers.

**VII. CLOSED SESSION as per G.S. 143.318.11[a][3] to approve the CLOSED SESSION MINUTES of Tuesday, June 10, 2014 and Tuesday, June 24, 2014; to receive an update on the Martin vs. Town of Morehead City and D.H. Griffin vs. Town of Morehead City litigation from the City Attorneys**

***Councilman Walker MOVED, seconded by Councilman Ballou, and carried unanimously, to enter into CLOSED SESSION.***

***Councilman Ballou MOVED, seconded by Councilman Thompson, and carried unanimously, to return to OPEN SESSION.***

***Councilman Ballou MOVED, seconded by Councilman Thompson, and carried unanimously, to approve and seal the CLOSED SESSION Minutes of Tuesday, June 10, 2014 and Tuesday, June 24, 2014.***

**VIII. Adjournment**

There being no further business, the meeting was adjourned at 6:45 p.m.

Attest:

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Gerald A. Jones, Jr., Mayor

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Jeanne M. Giblin, City Clerk